IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2121 OF 2006

Rupesh Sudhakar Jadhav. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.S.V.Kotwal i/by V.V. Purwant for the Applicant.

Ms.S.V.Gajare, APP. for the State.

CORAM : R.S. MOHITE,J.
DATED : 21.6.2006.

P.C.

1. This is an application for grant of bail. The applicant along with other accused persons are shown as an accused in C.R.No.80/2005 registered by Wai Police Station for alleged offences under Section-302,143,147,149,325,323,452,504 and 506 of the I.P.C. The applicant is said to have assaulted the deceased Vijay by a tommy which is an instrument used in a vehicle. Another injured in the same incident is Sunil Marathe. It appears from the record that the deceased and some other boys are residents of Gangapuri area in Wai town. The present applicant and his friends were resident of Ganpati Ali. In the same incident three persons from the party of the present applicant by names Prasad Mule, Santosh and Abhijit have also

injured. Prasad Mule has also filed cross complaint under C.R.No.81/2005 for alleged offences under Section 143,147,149,325,323, 504 and 506 of I.P.C. Amongst these persons belonging to the group of the applicant Prasad Mule has sustained head injury and Santosh has suffered grievous injury and Abhijit has suffered simple injury. It is admitted position that the incident in question took place in the area of the deceased i.e. in Gangapuri locality. The vehicle in question was found in Gangapuri locality.

2. In C.R.No.81/2005 in all the police have arrested 12 persons. They have already released on bail. In the present case i.e. in C.R.No.80/2005 police have arrested 10 persons of which nine persons have been granted bail and the applicant is the only person who remains behind the bars.

3. Taking into account the aforesaid circumstances, there is clear possibility of exercise of right of private defence. There is also possibility of certain fighting as both the sides are injured. In the circumstances, I am inclined to grant bail to the applicant. It is therefore, directed that pending trial in C.R.No.80/2005 registered by Wai Police Station, the applicant may be released on bail in the sum of

Rs.20,000/- with one surety in the like amount subject to the condition that he will report to the Investigating Officer once in a month on every first Monday till the disposal of the trial. There will be also further condition that the applicant will stay out of Wai town and prior to his release he will furnish his new address to the Jailer and on being released he will furnish fresh address to the I.O. He is allowed to remain in Wai town only for the purpose of attendance as directed above.

4. Application is disposed of.

(R. S. MOHITE, J.)